

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THOMAS HARRIS,
Plaintiff

Case No. 1:09cv921

vs

JOHN RISNER,
Defendants

ORDER
(Beckwith, J.; Black, M.J.)

This matter is before the Court on plaintiff's motion to appoint counsel. (Doc. 6).

The law does not require the appointment of counsel for indigent plaintiffs in cases such as this, *see Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993), nor has Congress provided funds with which to compensate lawyers who might agree to represent those plaintiffs. The appointment of counsel in a civil proceeding is not a constitutional right and is justified only by exceptional circumstances. *Id.* at 605-06. *See also Lanier v. Bryant*, 332 F.3d 999, 1006 (6th Cir. 2003). "To determine whether these exceptional circumstances exist, courts typically consider the type of case and the ability of the plaintiff to represent himself." *Id.* (citation omitted). No exceptional circumstances justify the appointment of counsel in this matter. Plaintiff's claims are relatively straightforward and involve incidents in which he was a participant. In addition, the motions and briefs filed by plaintiff in this action demonstrate he is capable of representing himself adequately in this matter. Therefore, plaintiff's motion for appointment of counsel is **DENIED**.

IT IS SO ORDERED.

Date: 1/27/10

/s/Timothy S. Black
United States Magistrate Judge